

**Minutes of the Special and Regular City Council Meeting of
September 23, 2003.**

Twin Pines Senior and Community Center, 1223 Ralston Avenue.

STUDY SESSION, 6:30 P.M.

Joint Meeting with Parks & Recreation Commission

Councilmembers Present: Feierbach, Metropulos, Warden, Bauer, Wright

Councilmembers Absent: None

Commissioners Present: King, Bortoli, Cheechov, Shjeflo, Singer, Swanson, Dutto (arr. 6:35 P.M.)

Commissioners Absent: Goodwin, Kimmey

Staff Present: Assistant City Manager Rich, City Attorney Savaree, Parks and Recreation Director Mittelstadt, City Clerk Cook.

Parks and Recreation Director Mittelstadt stated that there were four areas chosen by the Parks and Recreation Commission for consideration and discussion with the City Council.

Open Space Recreation Task Force recommendation for increased funding for athletic field maintenance

Commissioner Bortoli stated that the fields were deteriorating and a \$100,000 funding level would be optimum. He clarified that new equipment had been purchased to help with maintenance, but more was needed.

Commissioner Shjeflo stated that funding is a matter of balance, and he agreed that the new equipment has been helpful, but that the fields get considerable use.

Discussion ensued regarding volunteer work and monetary contributions from the teams.

Parks and Recreation Director Mittelstadt stated that potential funding for field improvement could be taken up at the mid-year budget review, but that there are other issues affecting the General Fund.

Next steps in the acquisition and improvement of Open Space areas

Parks and Recreation Director Mittelstadt stated that the trail names as recommended by the Commission would soon be brought to the Council for approval. Commissioner Singer stated that the names would help increase visibility of a valuable asset. Parks and Recreation Director Mittelstadt clarified that the installation of signs will be performed in-house, and there was funding available.

In response to a question from Councilmember Warden regarding the City's ability to name the paper streets currently used as trails, Parks and Recreation Director Mittelstadt clarified that this was a legal question that would require additional information.

Commissioner Cheechov stated that it is important to preserve open space before it is built on.

Commissioner Shjeflo stated that the survey performed recently for the Open Space Recreation Task Force efforts indicated a 70 percent support level for a \$20 per year parcel tax to fund open space acquisition, and suggested pursuing this. Councilmember Warden agreed, and Assistant City Manager Rich stated he would add this item to the priority calendar for review in March of 2004.

Commissioner Swanson stated that there are many young families in Belmont, that many neighborhoods have no sidewalks, and additional open space opportunities would keep people in Belmont.

Library/Belameda Park

Parks and Recreation Director Mittelstadt stated that since State Library Grant monies were not secured for the new library, the Commission wanted to discuss ways to fund improvements to Belameda Park. He clarified that park improvement monies may be available.

Commissioner King stated that planning for park improvements should run parallel with the new library construction. Parks and Recreation Director Mittelstadt clarified that the new library and the park would be constructed under one contract.

Councilmember Feierbach suggested reallocating some of the \$500,000 capital monies currently earmarked for a future skatepark toward improvements to Belameda Park.

Review 5-Year Park Capital Improvement Plan Priorities

Councilmember Warden stated that he supported the reallocation of some of the skatepark monies toward other projects such as Belameda Park, Barrett Community Center, and McDougal field improvements. He also supported funding Patricia Wharton Park improvements and the San Mateo border entryway. In response to a question regarding the use of the new Carlmont pool, Parks and Recreation Director Mittelstadt stated that community use is second in line to school use, so Belmont was in a good position to secure additional use of the pool. The money allocated would be for ongoing maintenance. He clarified that the park-in-lieu fees received for the Summerhill project at the former Jewish Community Center property were almost \$200,000 above the estimate.

Councilmember Metropulos stated that he supported funding for a portable skatepark, and that the remaining dollars be reallocated for other park improvements.

Councilmember Feierbach stated that the City should consider the creation of small pocket parks on easements for a bench or trash can, but no play area.

Rick Frautschi, Folger Drive, stated that he has made improvements to the frontage of the Notre Dame Elementary School property adjacent to his home. He has located 12 easements in the Central neighborhood where benches or statues could be placed, and arrangements could be made with the adjacent neighbors to maintain the area. He suggested that the Council consider these options as it discusses the purchase of public art in the future.

Discussion ensued regarding artificial turf. Park and Recreation Director Mittelstadt clarified that it is more expensive to install, but can be played on 365 days a year with minimal maintenance. Mayor Wright stated that the number of injuries at Burlingame High, which recently installed artificial turf, had been reduced since its installation.

ADJOURNMENT at this time, being 7:20 P.M., Joint Meeting was adjourned.

Meeting Audio and Video Recorded

Tape No. 563 Terri Cook

City Clerk

REGULAR MEETING - 7:30 P.M.

ROLL CALL

Councilmembers Present: Feierbach, Metropulos, Warden, Bauer, Wright

Councilmembers Absent: None

Staff Present: City Attorney Savaree, Assistant City Manager Rich, Public Works Director Davis, Community Development Director Ewing, and City Clerk Cook.

Pledge of Allegiance

Led by City Clerk Cook.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Carol Hatfield, on behalf of Friends of Belmont Library (FOBL), announced two upcoming events sponsored by FOBL: 1) Women at Ground Zero, at 7:00 p.m. on October 1 at the Senior and Community Center, and 2) informational meetings on the latest architectural plans for the new library, at 7:00 p.m. on either October 8 or October 9. She stated that these events were free and open to the public.

Bernadette Spillane, Robin Whipple Way, spoke regarding the parking issues at Notre Dame High School. She stated that she had previously surveyed the neighbors and had provided the results to the City Council and to staff. She clarified that the Belmont Police Department worked with the staff at Notre Dame High School to resolve the issues. She thanked them and other community leaders who took the time to explain the process and help resolve the situation for the neighborhood.

Debbie Norton, Robin Whipple Way, also thanked the police department for helping resolve the high school issues. She stated that she went door-to-door in her neighborhood, and realized that people really care about Belmont. She also stated that this matter has made a stronger neighborhood.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Bauer announced the upcoming Save the Music activities on September 28 and invited everyone to attend.

Councilmember Warden reminded everyone of the upcoming Special Election on October 7.

AGENDA AMENDMENTS

Assistant City Manager Rich announced the removal of Item 4-E, Resolution Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an Amount not to exceed \$125,000, Approving a Construction Contingency not to exceed \$12,500, and Authorizing the City Manager to Execute a Contract for El Camino Real / Fifth Avenue Safety Improvement Project, City Contract No. 437. He clarified that the project was not ready for action.

CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Council Meeting of August 26, 2003.

Acceptance of Written Communication 1) Received September 8, 2003, from the Public Utilities Commission regarding Application of Harjit S. Dhillon, DBA Quality Airport Service for the authority to operate as a passenger stage operation.

Approval of Resolution 9470 Approving Plans and Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Contract to the Lowest Responsible Bidder for an amount not to exceed \$1,000,000, approving a Construction Contingency not to exceed \$100,000, and Authorizing the City Manager to Complete a Contract for Sanitary Sewer Rehabilitation, Basins 4, 5, and 6 (Sunnyslope, Downtown and Central Neighborhoods), City Contract Number 454.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Metropulos, the Consent Agenda was unanimously approved by a show of hands, with the exception of Item 4-E as previously outlined.

PUBLIC/HEARINGS

Public Hearing to Consider Expanding the Utility Undergrounding District on Old County Road and Masonic Way (Rule 20A Underground Utilities Conversion).

Public Works Director Davis stated that the County of San Mateo was planning to use its Rule 20A monies to extend the utility undergrounding project through the unincorporated area on Old County Road. He explained that 15 adjacent properties were within the Belmont city limits.

Mayor Wright opened the Public Hearing. No one came forward to speak.

Action: On a motion by Councilmember Bauer, seconded by Councilmember Feierbach, the Public Hearing was unanimously closed by a show of hands.

Action: On a motion by Councilmember Warden, seconded by Councilmember Bauer, Resolution 9471 Expanding the Utility Undergrounding District on Old County Road and Masonic Way (Rule 20A Underground Utilities Conversion) was unanimously approved by a show of hands.

OLD BUSINESS

Discussion and direction regarding proposed Amendments to Chapter 13, Belmont Municipal Code, Massage Ordinance.

City Attorney Savaree stated that the massage ordinance was adopted in 1961 and was last amended in 1973. She clarified that since that time there had been an increase in the number of applications for permits, and that in the past, most applications were mainly for single operators, but now there were more for multiple-operator facilities. She also clarified that the desire for these types of facilities were a matter of policy for the Council to determine.

City Attorney Savaree clarified that this matter had been before the Council in October of 2002, but members of the public raised concerns at that time. She outlined the issues previously raised, and reviewed the changes that were proposed which addressed those concerns. She stated that although many of the issues had been addressed, there were several where staff recommendation differed from that of the public speakers, and that there were several areas still requiring Council direction.

Susan Fleming, The Relaxation Center, 940 Ralston Avenue, stated that she had sent an email to the City Council regarding the proposed changes. She clarified that it was her desire to keep illegal facilities from operating in Belmont. She stated that she objected to the recommended requirement of first aid, but that it was not a big issue. She also had a concern regarding the price of the permit.

City Attorney Savaree clarified that the permit and business license fee schedules were not part of the ordinance process, but are set during the Council's yearly review of the Master Fee Schedule in the spring as part of the Budget hearings.

Beverly May, North Road, American Massage Therapists Association, stated that the exemption language be clarified, since this type of language has

been used to provide a front for prostitution in some facilities. She also stated that she is supporting AB1388, which will standardize massage industry regulations in all areas except fees and land use. She stated she is working with the League of California Cities to support the legislation, and urged the City of Belmont to support it. She clarified that with its passage, cities would not have to spend resources to enforce and regulate the industry.

Discussion ensued, and Council concurred to: 1) grandfather existing facilities for ADA accessibility requirements, and require compliance only if the building were remodeled; 2) keep the first aid requirement; and 3) add language that cooking facilities were permitted for employee use.

In response to Council questions regarding outcall services, City Attorney Savaree clarified that the language would provide a code enforcement tool if a complaint were received, and would enable the City to revoke a license, if necessary.

RECESS: 8:30 P.M.

RECONVENE: 8:38 P.M.

OLD BUSINESS (cont.)

Setting the Biannual Council Priority Calendar (Step Three: Adopting the Calendar).

Assistant City Manager Rich reviewed the list of priorities and the recommendations for placement by department. He stated that the project descriptions and priority calendar had been updated.

Councilmember Feierbach stated that she would like the commercial zoning to allow restaurants to have live music. Community Development Director Ewing responded that that was not the focus of the project, and clarified that changes could be piecemealed, but that the requested change might trigger other issues.

Councilmember Feierbach stated that the tree ordinance item was high on the list of recommendations from the Planning Commission. She clarified that currently monies collected for tree removal are placed into the General Fund, but that those funds should be allocated for tree replacement. City Attorney Savaree stated that this change could have other implications. Community Development Director Ewing stated that the Planning

Commission would not need to review a Master Fee schedule change, if the project were limited to this issue.

Councilmember Warden stated that Councilmember Feierbach could use the Item 9 process for this issue.

Mayor Wright stated that there is a challenge to a piecemeal approach to many of these priority calendar issues.

Assistant City Manager Rich clarified that the priority calendar process is flexible enough to allow other items. He also recommended that the Council review the Project Description Forms to ensure that the scope of the work has been appropriately captured.

Council discussion ensued regarding several items on the priority calendar list.

Councilmember Warden suggested that the scoreboard issue be handled in a parallel process with both the Planning and the Parks and Recreation Commissions, and that the Planning Commission review should be independent. Assistant City Manager Rich clarified that it was a policy decision regarding the need and desire for the scoreboard. He also clarified that if the Parks and Recreation recommendation is that there is no need or desire for the scoreboard, the matter could be dropped. Community Development Director Ewing clarified that since the City is the property owner, it would have to make the application, not Safeco. He reviewed the process for zoning text amendments.

Council discussion ensued, and staff reviewed the various options available. Council concurred that the Project Description Form should be approved as presented, and that the project proponents could decide which option would be the best approach.

Action: On a motion made by Councilmember Bauer, seconded by Councilmember Feierbach, Attachment A (Project Description Forms) to the staff report were unanimously approved by a show of hands, with the inclusion of the Art Dedication Fee.

Action: On a motion made by Councilmember Metropulos, seconded by Councilmember Bauer, the Priority Calendar was unanimously approved by a show of hands.

NEW BUSINESS

Consideration of Resolution in Support of League of California Cities Local Government Ballot Initiative.

Assistant City Manager Rich stated that over the past several years the State of California has diverted approximately \$5 million of local revenues from the City of Belmont. He reviewed the legislation recently introduced which would require a two-thirds vote of the legislature and a majority vote of the electorate for future State takeaways. He clarified that the initiative, supported by many cities and the League of California Cities, would be placed on the November 2004 ballot.

Councilmember Warden clarified that this legislation would not return ERAF monies previously taken by the State.

Action: On a motion made by Councilmember Bauer, seconded by Councilmember Metropulos, Resolution 9471 in Support of the League of California Cities Local Government Ballot Initiative was unanimously approved by a show of hands.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Mayor Wright outlined details of the activities taking place for the Save the Music event on September 28.

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Consideration of reinstatement of the Council's San Juan Canyon subcommittee (Warden).

Councilmember Warden explained that he would like to reinstate this Council subcommittee. He stated that it was successful in prior years for the lot merger and slope density programs, and that additional work was needed because of potential future developments in the San Juan Canyon.

Councilmember Bauer said that he did not see the purpose of the subcommittee because of the work of the Planning Commission and the San Juan Canyon Trust.

Councilmember Warden clarified that the proposed Piazza development is a matter for Council, and that the lot merger and slope density were not issues addressed by the Planning Commission.

Mayor Wright stated that he had concerns regarding the structure of the proposed subcommittee.

Council concurred to add this item to a future agenda for further discussion.

ADJOURNMENT at this time being 9:25 P.M.

Meeting Audio and Video Recorded

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